

**KURZMAN EISENBERG CORBIN & LEVER, LLP**  
ATTORNEYS AT LAW

ONE NORTH BROADWAY, 12<sup>TH</sup> FLOOR  
WHITE PLAINS, NEW YORK 10601

TEL: (914) 285-9800  
FAX: (914) 285-9855

**BRUCE W. BIEBER**  
PARTNER  
BBIEBER@KELAW.COM  
DIRECT DIAL: (914) 993-6053

260 MADISON AVENUE, 16<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10016

TEL: (212) 922-0816  
FAX: (914) 285-9855

PLEASE SEND CORRESPONDENCE TO  
THE WHITE PLAINS ADDRESS ONLY

January 23, 2023

**VIA ECF**

Hon. Joanna Seybert  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

Re: *DermSource, Inc. v. CityMedRx, LLC, et al.*  
Case No. 23-CV-281 (JS) (JMW)  
Order to Show Cause with Temporary Restraining Order  
dated January 18, 2023 (the "Order to Show Cause"; ECF Doc. No. 11)

Dear Judge Seybert:

We are counsel for Defendants CityMedRx, LLC, Robert Abaev, and David Abaev ("Defendants") in the above-referenced action (the "Action"). I am writing to advise the Court that the parties have reached an agreement in principle to resolve the Action, conditioned upon a fully executed settlement agreement by Friday, January 27, 2023, and other related deadlines. We are in the process of preparing appropriate papers memorializing the parties' agreement, including a settlement agreement and stipulation discontinuing the Action and vacating the temporary restraining order included in the Order to Show Cause.

While we hope to have these documents and the settlement finalized before the end of this week (in line with the foregoing conditions), we ask (with the consent of Plaintiff's counsel, who has reviewed and revised this letter) that the hearing scheduled for January 30, 2023 be adjourned, but that the appearance scheduled for that day be retained for the parties to appear in the event it is necessary to do so. Specifically, if the parties are unable to finalize a settlement by Friday, January 27, 2023, the parties wish to appear before the Court for a conference to attempt to resolve whatever differences may remain, or otherwise to place the settlement agreement on the record, allocute the parties, and to have this Court retain jurisdiction to enforce the agreement, all of which are material terms sought by the Plaintiff.

In the event the parties submit an agreement to the Court to be so Ordered, and the same is so Ordered prior to Monday, January 30, 2023, the parties are then prepared to cancel the conference scheduled with the Court at 9:30 AM that day.

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In the event a resolution cannot be reached, Defendants ask that a new hearing date, and briefing schedule, be set. Of course, the TRO will remain in place pending the above. Plaintiff consents to these requests, under these conditions, should the parties be unable to timely finalize a settlement.

We thank the Court for its consideration of the foregoing.

Respectfully submitted,



Bruce W. Bieber

cc: Emanuel Kataev, Esq. (via ECF)